

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.)	NDE Case No. 16-12
Commissioner of Education)	
301 Centennial Mall South)	
P.O. Box 94933)	
Lincoln, NE 68509-4933,)	
)	
Petitioner,)	FINAL ORDER
)	
v.)	
)	
Bryan Black, #83887)	
Diagnostic & Evaluation Center)	
P.O. Box 22800)	
Lincoln, NE 68542)	
)	
Respondent.)	

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on August 5, 2016, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public school certificate of the Respondent, Bryan Black, be permanently revoked. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Brian L. Halstead, Deputy Commissioner, on behalf of the Commissioner of Education. The Respondent did not appear. NPPC Clerk Kathi Vontz provided a summary of the NPPC's recommendation in this matter.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt were received into

evidence as “Exhibit 2.” Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866 (2014);

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Bryan Black, #83887, Diagnostic & Evaluation Center, P.O. Box 22800, Lincoln, NE 68542;

4. The Respondent holds a public Nebraska Initial teaching certificate number 2013000195, endorsed in Physical Education 7-12 and English 7-12, with an expiration date of August 31, 2018;

5. The Respondent was employed by the Millard Public Schools as a language arts teacher beginning with the 2014-2015 school year until his contract was cancelled by the school board on April 6, 2015;

6. From approximately September 1, 2014, until March 6, 2015, the Respondent engaged in an inappropriate relationship with a 15-year old female student which included sexual contact/penetration and sending sexually explicit text messages and receiving nude and partially nude photos of the student;

7. On January 22, 2016, in the Douglas County District Court, the Respondent pled No Contest to Attempted Sexual Assault on a Child 1st Degree and Visual Depiction of Sexually Explicit Conduct Defendant 19 or Over, both felonies;

8. On April 20, 2016, Respondent was sentenced to 20-30 years' incarceration for the sexual assault offense, and 12-30 years' incarceration for the visual depiction offense with both sentences to run consecutively;

9. The Respondent has violated Neb. Rev. Stat. § 79-866(2) (2014) which states, in pertinent part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02E (effective date: November 12, 2013) ("the educator . . . shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"); Section 004.03C (same effective date) ("the educator . . . shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 004.03D (same effective date) ("the educator . . . shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"); and Section 004.04E (same effective date) ("the educator . . . shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21");

10. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to permanently revoke Respondent's certificate; and

11. The public Nebraska Initial teaching certificate of Bryan Black, number 2013000195, endorsed in Physical Education 7-12 and English 7-12, with an expiration date of August 31, 2018, shall be permanently revoked beginning this date.

Dated this 5th day of August, 2016.

STATE BOARD OF EDUCATION

BY: Rachel Wise
Rachel Wise, President

The vote by the State Board of Education to approve the Final Order in Case No. 16-12, on August 5, 2016, was 8 in favor, 0 against, _____ abstaining, and _____ absent. Individual State Board members voted as follows:

IN FAVOR: L. LARSEN, G. FLINT, R. WISE, J. WITZEL, P. TIMM, M. NICKELS,
M. O'HOLLERAN, P. MCPHERSON

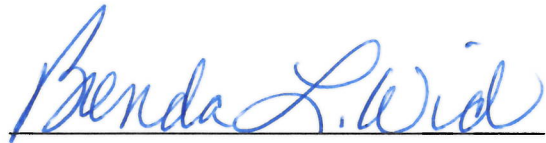
AGAINST: _____

ABSTAINING: _____

ABSENT: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon the Respondent Bryan Black, #83887, Diagnostic & Evaluation Center, P.O. Box 22800, Lincoln, NE 68542, via United States mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Brian L. Halstead, Deputy Commissioner, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 5th day of August, 2016.

A handwritten signature in blue ink, reading "Brenda L. Wid", is written over a horizontal line.

49-1629-29